

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

TAMARA LASSETER,

Plaintiff,

v.

THE MAYOR AND ALDERMEN
OF THE CITY OF SAVANNAH,

Defendant.

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Case No. CV411-021

ORDER

This Court granted *pro se* plaintiff Tamara Lasseter leave to file, without prepayment of the Court's filing fee, this Family and Medical Leave Act (FMLA) case, *see* 29 U.S.C.A. §§ 2601-54, against the City of Savannah. Doc. 2 at 2. It later screened her case under 28 U.S.C. § 1915(e)(2)(B)(ii) but warned her that, under Fed. R. Civ. P. 26(d) and (f), she must confer with opposing counsel to develop a plan of discovery. Doc. 5 at 8. The Court also warned her that it may dismiss her case on abandonment grounds if she failed to comply with its instructions. *Id.* (citing Fed. R. Civ. P. 41).

The defendant filed a skeletal Rule 26(f) Report -- skeletal

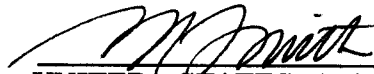
because Lasseter failed to confer with defense counsel, as this Court directed. Doc. 10 at 4-5. The Court directed her to show cause why it should not dismiss her case without prejudice on abandonment and disobedience grounds. Docs. 11 & 12. She responds that defense counsel short-timed her and that she had been under the impression that this Court had appointed her counsel. Doc. 13.

Lasseter is only partly correct. Counsel attempted telephone and mail contact on Friday, June 10, 2011, for a Monday, June 13, 2011 Rule 26 conference. That's too short. But the Court *denied* her motion for appointment of counsel *months* ago, doc. 3 at 10-11, and the Clerk served her with a copy of that Order. It also explained that she who moves, proves. Doc. 5 at 8-9. *Lasseter*, not the defendant, has been under a duty to prosecute this case (i.e., conduct any discovery she needs to prove her case at trial or on summary judgment). *Id.* She apparently believes that the *defendant* will move this case along.

Nevertheless the Court will indulge plaintiff with a second chance. Within 14 days of the date this Order is served Lasseter shall contact defense counsel and arrange for a Rule 26(f) conference, then join

counsel in submitting, within 21 days, a compliant Rule 26(f) Report.
Failure to comply with these instructions shall result in a
recommended dismissal of her case.

SO ORDERED this 7^R day of July, 2011.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA